IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 1383 of 2002

SITA DEVI
V/S
MUNIR KHAN & ORS

Mr. GR PUNIA, for the appellant / petitioner

Mr. GR GOYAL, for the respondent

Date of Order : 18.8.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties. Perused the impugned order.

The learned Court below has discussed the evidence threadbare, and after appreciating the evidence, has found the contention of the petitioner to be not sustainable, including that of recount. Learned Court below has also noticed the glaring discrepancy between the evidence of the petitioner, and her election agent Gopa Ram itself, on the question of invalidity of 14 ballots, which are alleged in the election to be counted in favour of the returned candidate, as Gopa Ram has deposed that out of those 14 ballots, 7 were required to be counted in favour of the petitioner, while 7 were required to be counted in favour of Purkha Ram, the other defeated candidate. Likewise, it was also noticed that the evidence of other evidence, viz., Gopa Ram and Pema Ram is also discrepant regarding other 13 ballots. The contention about request having been made for recount during the course of counting has also not been believed by the learned Court below.

It has also been found that the petitioner has not been able to establish any connivance of the Returning Officer with any of the other candidates.

Learned counsel for the petitioner has not been able to show, much less satisfy, as to how any of these findings are vitiated within the scope of writ jurisdiction under Article 226.

In that view of the matter, I do not find any sufficient ground to interfere with the impugned order.

The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

/tarun/